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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

243 sector #  
PATENT -116-1

In re Reissue Application Of: 5,840,531

Aaron I. VINIK, *et al.*

Serial No.: 09/717,095

Filed: November 22, 2000

BOX: MISSING PARTS

Attorney Docket No. 05126.00001

Group Art Unit: TBA

Examiner: TBA

GP1653

5/17/01

For: INGAP PROTEIN INVOLVED IN PANCREATIC ISLET NEOGENESIS

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

Assistant Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application under 37 C.F.R. §1.53(b), dated January 12, 2001, Applicants submit herewith authorization to charge the missing parts surcharge of \$65.00, the one-month extension of time fee of \$55.00, a copy of the Notice to File Missing Parts of Nonprovisional Application, and the executed Declaration/Power of Attorney with Lawrence Rosenberg and Jean T.S. Duguid's signatures. The period for responding to the Notice to File Missing Parts of Nonprovisional Application expired March 15, 2001, and thus the one-month extension of time fee has been added. The fees are calculated as follows:

|  |          |
|--|----------|
| Surcharge for submitting the filing fee<br>and Declaration subsequent to the filing date | \$65.00  |
| One-Month Extension of Time Fee  | \$55.00  |
| Total Fees   | \$120.00 |

It is believed that all Patent and Trademark Office requirements have now been fully met and it is respectfully requested that the above-identified patent application be forwarded for examination.

Aaron I. VINIK, et al.  
U.S. Patent Application Serial No. 09/717,095

Please charge any additional fee, which may be associated with the filing of this paper to our  
Deposit Account No. 19-0733.

Respectfully submitted,

By: Sarah A. Kagan  
Sarah A. Kagan  
Reg. No. 32,141

BANNER & WITCOFF, LTD.  
Eleventh Floor  
1001 G Street, N.W.  
Washington, D.C. 20001  
(202) 508-9100

Dated: 04-11-01

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**OFFICIAL TRANSMITTAL**  
**for FY 2001**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$) 120**Complete if Known**

Application Number 09/717,095

Filing Date November 22, 2000

First Named Inventor Aaron I. VINIK

Examiner Name TBA

Group / Art Unit TBA

Attorney Docket No. 05216.00001

**METHOD OF PAYMENT (check one)**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

19-0733

Deposit  
Account  
Name

Banner &amp; Witcoff, LTD

- ☐
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17
- 
- ☐
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

- ☐
- Check
- ☐
- Credit card
- ☐
- Money
- 
- Order
- ☐
- Other

**FEE CALCULATION****1. BASIC FILING FEE**

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description        | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 101                  | 710                   | 201                  | 355                   | Utility filing fee     |          |
| 106                  | 320                   | 206                  | 160                   | Design filing fee      |          |
| 107                  | 490                   | 207                  | 245                   | Plant filing fee       |          |
| 108                  | 710                   | 208                  | 355                   | Reissue filing fee     |          |
| 114                  | 150                   | 214                  | 75                    | Provisional filing fee |          |

**SUBTOTAL (1)**

(\$ 0)

**2. EXTRA CLAIM FEES**

|                    |  |       |   |   |   |  |   |   |
|--------------------|--|-------|---|---|---|--|---|---|
| Total Claims       |  | -20** | = | 0 | X |  | = | 0 |
| Independent Claims |  | -3**  | = | 0 | X |  | = | 0 |
| Multiple Dependent |  |       |   |   | X |  | = | 0 |

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description  |
|----------------------|-----------------------|----------------------|-----------------------|--|
| 103                  | 18                    | 203                  | 9                     | Claims in excess of 20                                     |
| 102                  | 80                    | 202                  | 40                    | Independent claims in excess of 3                          |
| 104                  | 270                   | 204                  | 135                   | Multiple dependent claim, if not paid                      |
| 109                  | 80                    | 209                  | 40                    | ** Reissue independent claims over original patent         |
| 110                  | 18                    | 210                  | 9                     | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)**

(\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description  | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|--|----------|
| 105                  | 130                   | 205                  | 65                    | Surcharge - late filing fee or oath  | 65       |
| 127                  | 50                    | 227                  | 25                    | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 139                  | 130                   | 139                  | 130                   | Non-English specification  |          |
| 147                  | 2,520                 | 147                  | 2,520                 | For filing a request for reexamination                                     |          |
| 112                  | 920*                  | 112                  | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 113                  | 1,840*                | 113                  | 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 115                  | 110                   | 215                  | 55                    | Extension for reply within first month                                     | 55       |
| 116                  | 390                   | 216                  | 195                   | Extension for reply within second month                                    |          |
| 117                  | 890                   | 217                  | 445                   | Extension for reply within third month                                     |          |
| 118                  | 1,390                 | 218                  | 695                   | Extension for reply within fourth month                                    |          |
| 128                  | 1,890                 | 228                  | 945                   | Extension for reply within fifth month                                     |          |
| 119                  | 310                   | 219                  | 155                   | Notice of Appeal   |          |
| 120                  | 310                   | 220                  | 155                   | Filing a brief in support of an appeal                                     |          |
| 121                  | 270                   | 221                  | 135                   | Request for oral hearing   |          |
| 138                  | 1,510                 | 138                  | 1,510                 | Petition to institute a public use proceeding                              |          |
| 140                  | 110                   | 240                  | 55                    | Petition to revive - unavoidable   |          |
| 141                  | 1,240                 | 241                  | 620                   | Petition to revive - unintentional   |          |
| 142                  | 1,240                 | 242                  | 620                   | Utility issue fee (or reissue)   |          |
| 143                  | 440                   | 243                  | 220                   | Design issue fee   |          |
| 144                  | 600                   | 244                  | 300                   | Plant issue fee  |          |
| 122                  | 130                   | 122                  | 130                   | Petitions to the Commissioner  |          |
| 123                  | 130                   | 123                  | 130                   | Petitions related to provisional applications                              |          |
| 126                  | 180                   | 126                  | 180                   | Submission of Information Disclosure Stmt                                  |          |
| 581                  | 40                    | 581                  | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 146                  | 710                   | 246                  | 355                   | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149                  | 710                   | 249                  | 355                   | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179                  | 710                   | 279                  | 355                   | Request for Continued Examination (RCE)                                    |          |
| 169                  | 900                   | 169                  | 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 120)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)

Sarah A. Kagan

Registration No. Attorney/Agent

32,141

Telephone

202-508-9100

Signature

Date

April 11, 2001

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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TECH CENTER 1600/2900

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
WWW.USPTO.GOV

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/717,095         | 11/22/2000          | Aaron I. Vinik        | 05216.00001            |

22907  
BANNER & WITCOFF  
1001 G STREET N W  
SUITE 1100  
WASHINGTON, DC 20001

FORMALITIES LETTER



\*OC000000005678993\*

Date Mailed: 01/15/2001

NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

**Filing Date Granted**

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Lawrence Rosenberg Jean T.S. Duiguid*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE